

**E-Filed 07/17/2007 **

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EQUILON ENTERPRISES LLC, a Delaware
Corporation, d/b/a SHELL OIL PRODUCTS US,

Plaintiff,

v.

MEHDI SHAHBAZI, et al.,

Defendants.

Case Number C 05-05102 JF

ORDER¹ REQUESTING
SUPPLEMENTAL BRIEFING ON
PARTIAL MOTIONS FOR
SUMMARY JUDGMENT

[re: docket no. 100, 102]

MEHDI SHAHBAZI,

Counter-Claimant,

v.

EQUILON ENTERPRISES LLC, a Delaware
Limited Liability Company, d/b/a SHELL OIL
PRODUCTS;
US PENINSULA PETROLEUM LLC, a California
Limited Liability Company;
DOES 1 through 20, Inclusive,

Counter-Defendants.

¹ This disposition is not designated for publication and may not be cited.

1 Plaintiff Equilon Enterprises LLC ("Equilon") moves for summary judgment on all the
2 claims it asserts and on all the counterclaims asserted by Defendant Mehdi Shahbazi
3 ("Shahbazi"). Shahbazi opposes the motions. The Court heard oral argument on June 29, 2007.

4 The Court is persuaded that Equilon may be entitled to damages and injunctive relief
5 flowing from Shahbazi's failure to vacate the Marina Station after the second and third notices of
6 termination provided by Equilon.² However, while Equilon relies upon these notices in its partial
7 motions for summary judgment, the First Amended Complaint, which was filed after the second
8 termination notice on September 29, 2006, does not address these notices. Perhaps because of
9 this, Shahbazi's responses to the partial motions for summary judgment focus primarily on the
10 validity of the first termination notice.

11 Although it is inclined to find that the second and third notices of termination are
12 sufficient to warrant judgment in favor of Equilon, the Court concludes that Shahbazi should be
13 given a final opportunity to address the sufficiency of these notices. Accordingly, the parties shall
14 file letter briefs, not to exceed ten pages in length, on or before August 3, 2007, addressing the
15 question of whether there are any triable issues of material fact with respect to Equilon's second
16 and third termination notices, and the question of whether the Court may grant relief on the basis
17 of the second and third notices without requiring Equilon to amend its original complaint. The
18 matter will then be submitted without further oral argument. No extension of time will be
19 granted.

20 IT IS SO ORDERED.

21
22 DATED: July 17, 2007

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24 
25 JEREMY FOGEL
26 United States District Judge

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28 ² Equilon issued its second notice of termination on August 8, 2006, and its third notice of
termination on October 9, 2006.

1 This Order has been served upon the following persons:

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